

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

TIMOTHY SHELLY /

Case Number: 09-30326

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

✓ (1) I find that:

- ☐ there is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 18U.S.C. § 2251, §2422, and §2423;
- ☐ under 18 U.S.C. § 3142(e).

✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense -
 - 18 U.S.C. §2422(b) Coercion of a Minor
 - 18 U.S.C. §2251(a) Production of Child Pornography.
 - 18 U.S.C. §2423(b) Travel with intent to have sex with a minor.
- ✓ (b) weight of the evidence - Grand Jury Indictment establishes Probable Cause. Evidence appears strong.
- ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - Reasonably good health..
 - ✓ 2) employment, financial, family ties - Has family ties to the Eastern District of Michigan and stable employment.
 - ✓ 3) criminal history and record of appearance - Minimal and remote criminal history, and no history of failure to appear.
- ☐ (d) probation, parole or bond at time of the alleged offense -
- ✓ (e) danger to another person or community -

The government's proffer indicates that the defendant maintained a relationship with a 13 year old female victim whom he met by way of the internet. The relationship is alleged to have resulted in sexual contact and the production of numerous pornographic images of the child victim. Defendant persisted in contacting the minor victim, even after her parents discovered the relationship and demanded that it be terminated. Defendant faces a 15 year mandatory minimum custodial sentence upon conviction. Pretrial Services recommends detention, and I agree that this man is a flight risk and a danger to minor children.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: July 27, 2009

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge